

### **REMARKS**

In the Office Action of May 7, 2004, the Examiner suggested that the status of claims 1-10 and 12-14 were "withdrawn" and not "canceled". The Applicants appreciate the Examiner's suggestion and assert that the status of claims 1-10 and 12-14 are withdrawn. Applicants have amended the claim listing to reflect this. It is respectfully submitted that no new matter has been introduced by the amended and added claims. All claims are now present for examination in view of the accompanying remarks.

#### **Rejection under 35 U.S.C. §102(b)**


The Examiner rejected claim 11 under 35 U.S.C. §102(b) as being anticipated by Santi et al., Biochem. (1971) 10(25), 4813-4820, with respect to compound RN 35373-60-5 which disclosed a compound where  $X=N$ ,  $R^1=H$ ,  $R^2=H$ ,  $H$ ,  $C_1$  alkyl substituted by aryl;  $R^3=halo$  and  $Z=F$ . The Examiner rejected claim 22 as being dependent on a rejected claim, but stated it would be allowable if rewritten in independent form. Closer review of the Santi et al. reference cited by the Examiner shows an anticipating compound where *inter alia*,  $R^3=F$  and  $Z=F$ . In response, the Applicant has amended claim 11 so it now recites when  $Z=F$  then  $R^3 \neq F$ , which renders the rejections to claim 11 and 22 moot. Applicant respectfully requests that the rejections be withdrawn in view of the amendment.

Applicant believes that all rejections have been properly overcome and the claims as amended are in condition for allowance. If there are any questions, the Examiner is invited to call the attorney at 202-638-6666. Entry of the amendment and reconsideration is respectfully requested.

Respectfully submitted,

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